

DANIEL E. LUNGREN
Attorney General

RECEIVED

State of California
DEPARTMENT OF JUSTICE



AUG 5 1996

STATE COASTAL CONSERVANCY
OAKLAND, CALIF.

110 WEST A STREET, SUITE 1100
SAN DIEGO, CA 92101

P.O. BOX 85266
SAN DIEGO, CA 92186-5266
(619) 645-2001

FACSIMILE: (619) 645-2020
(619) 645-2012

August 2, 1996

Steven E. Thomas
Irell & Manella
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067-4276

(Sent Via Facsimile & U.S. Mail 8/2/96)

RE: Mancuso v. Calif. State Coastal Conservancy, et al.
LASC No. BS 040197

Dear Mr. Thomas:

Pursuant to our earlier telephone conversation, the Conservancy staff and our office are willing to recommend to the Conservancy, in a closed session at its August 22, 1996 meeting in San Francisco, that the Conservancy accept the following settlement proposal regarding the above-entitled action. This proposal, it is hoped, will provide the parties with adequate time to explore all possible scenarios with respect to the Chiate\Wildman easement.

First, that the settlement vehicle be a stipulated judgment.

Second that the terms of the stipulation for entry of judgment be as follows:

1. No admission of liability by the Conservancy and no waiver of any defenses or claims it could have or may have been required to assert in response to the Petition;
2. The Conservancy will set aside its decision to authorize a feasibility study for the Chiate\Wildman easement;
3. The Conservancy will hold a hearing at its September, 1996 meeting in Newport Beach on whether to authorize a feasibility study for Chiate\Wildman easement;

4. If it authorizes a feasibility study in September, 1996, the Conservancy staff will not seek authorization from the Conservancy to construct improvements to the Chiate\Wildman easement without first providing notice to Mr. Mancuso, Sr. and the individuals or entities listed in an attachment to the judgment;

5. The Second, Third, and Fourth Causes of Action of the Petition will be dismissed without prejudice;

[or in the alternative]

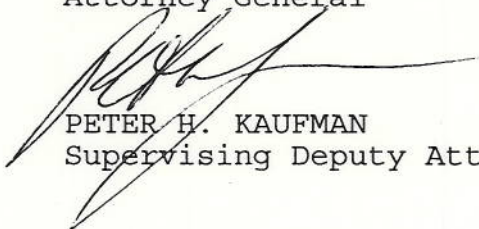
5a. The Second, Third, and Fourth Causes of Action will be bifurcated for separate trial and said trial shall be set for hearing should the parties be unable to reach agreement on the Chiate\Wildman easement issue prior to May, 1997;

6. Each party will bear its own court costs and attorney fees;

7. Other standard language regarding stipulated judgments.

Sincerely,

DANIEL E. LUNGREN
Attorney General



PETER H. KAUFMAN
Supervising Deputy Attorney General

PHK:

bc: James Pierce